



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495
ATTN: Jessica Winkler, Project Manager

Public Notice Date: August 26, 2006
Expiration Date: September 25, 2006
Reference: 200600722
Name: Seattle, Port of

Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 10 of the Rivers and Harbors Act of 1899, and Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT: Port of Seattle
Post Office Box 1209
Seattle, Washington 98111
ATTN: Ann Kenny
Telephone: (206) 728-3127

LOCATION: At Shilshole Bay Marina, in Shilshole Bay, at Seattle, Washington.

WORK: Dredge up to 645 cubic yards (cy) of silty sand from the toe of the existing bulkhead by a long reach excavator, barge mounted clamshell, or diver assisted suction dredge to reach a bottom elevation of -8 feet Mean Lower Low Water (with one foot overdredge). Following the dredging, a sample of the newly exposed surface layer will be collected and analyzed for compliance with the Washington State antidegradation policy. If sediment quality in the newly exposed surface exceeds the Washington State Sediment Management Standards, up to 285 cy of additional material may be dredged and backfilled with clean sand. Dredged material will be disposed of at an upland landfill facility. After dredging, a one foot thick layer of 3 to 6 inch angular quarry spall totaling up to 221 cy will be placed along the toe of the slope to prevent further sloughing and to stabilize the slope.

PURPOSE: To prevent damage to new docks caused by grounding in shallow water.

PUGET SOUND DREDGED DISPOSAL ANALYSIS (PSDDA): Dredged Material Testing: The proposed dredged material could not be tested prior to dredging due to a high percentage of compact sand and rock within the dredge prism. For this project, the PSDDA agencies determined that none of the sediments proposed for dredging were acceptable for open-water disposal. Therefore, the dredged material will be deposited at an upland site, approved by the Washington State Department of Ecology and the King County Department of Health.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of ESA on all actions that may affect a species listed or proposed for listing under the ESA as threatened or endangered or any designated critical habitat. Bald eagle (*Haliaeetus leucocephalus*) threatened, Coastal/Puget Sound bull trout (*Salvelinus confluentus*), threatened, Puget Sound chinook (*Oncorhynchus tshawytscha*), threatened, Puget Sound steelhead (*Oncorhynchus mykiss*), proposed threatened, Southern

resident Puget Sound Orca (*Orcinus orca*), endangered, Steller sea lion (*Eumetopias jubatus*), threatened, Humpback Whale (*Megaptera novaeangliae*), endangered, and Leatherback Sea Turtle (*Dermochelys coriacea*), endangered in the state of Washington, may occur in the proposed project area. For bull trout, Chinook, and stellar sea lion, critical habitat has been designated. After receipt of comments from this public notice, the U.S. Army Corps of Engineers (Corps) will evaluate the potential impacts to the bald eagle, bull trout, Chinook, steelhead, Orca, Stellar sea lion, Humpback whale, and Leatherback sea turtle.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action would impact EFH for Pacific salmon, Groundfish, and Coastal Pelagic Species in the project area.

If the (Corps) determines that the proposed action may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

CULTURAL RESOURCES: The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. There are no recorded historic properties within the permit area. The permit area has been so extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act (36 CFR 800.4[a][3]), with any Tribe that has information or concerns with historic properties in the proposed permit area.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are

also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The proposed discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the Clean Water Act. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

ADDITIONAL EVALUATION: The State of Washington is reviewing this work for consistency with the approved Washington Coastal Zone Management Program and for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

The City of Seattle is reviewing this project as a possible exemption from the requirement of obtaining a Shorelines Substantial Development permit.

COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. All e-mail comments should be sent to Jessica.G.Winkler@usace.army.mil. Conventional mail comments should be sent U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington, 98124-3755. Both conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

Port of Seattle, 200600722

Encl
Drawings (8)

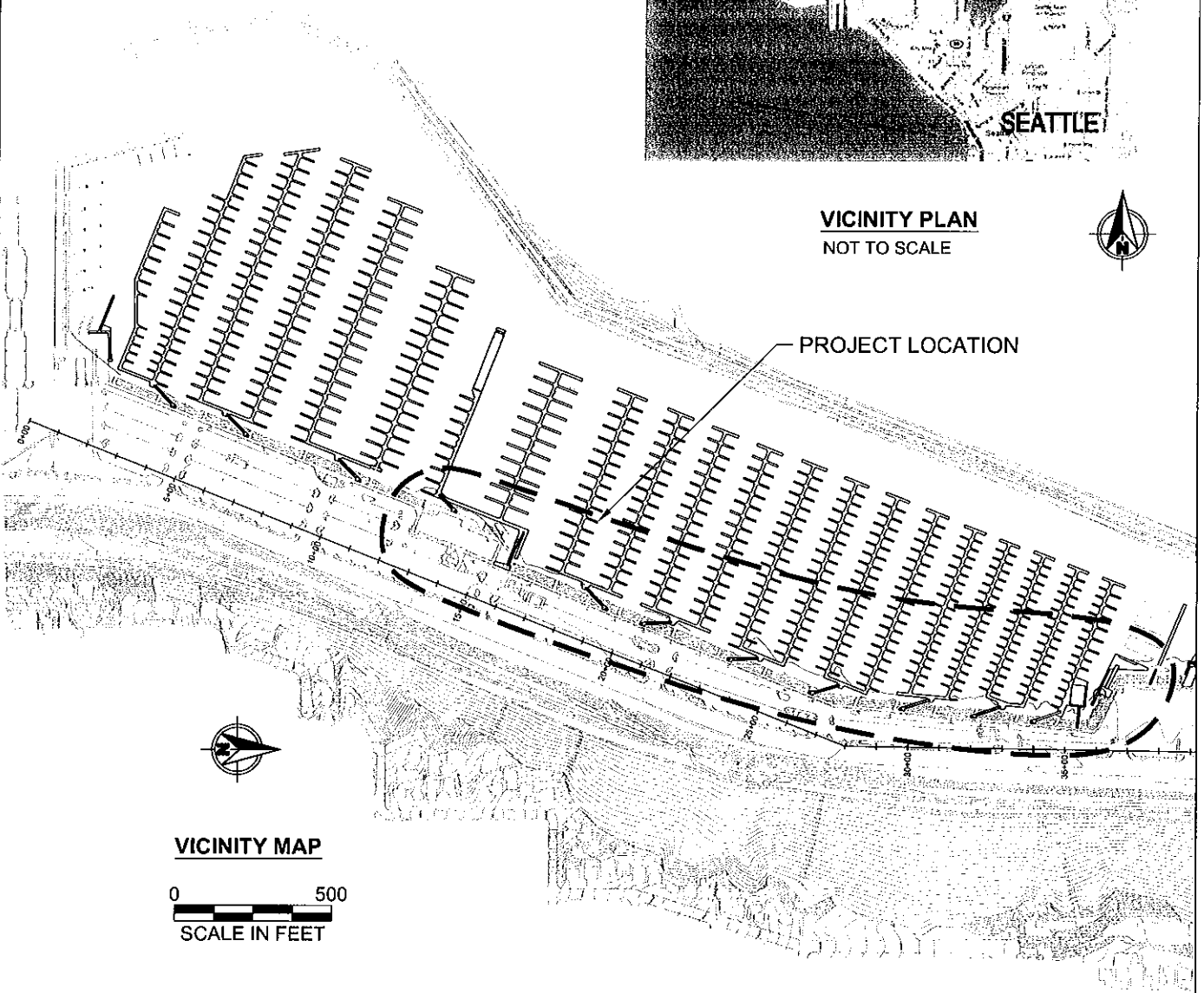
PROJECT SITE



VICINITY PLAN
NOT TO SCALE



PROJECT LOCATION



VICINITY MAP

0 500
SCALE IN FEET

VICINITY MAP

PURPOSE: MAINTENANCE DREDGING OF
SHILSHOLE BAY MARINA

NAME: SHILSHOLE BAY MARINA

PROPOSED: MINOR MAINTENANCE
DREDGING FOR PERMITTED
DOCK INSTALLATION

DATUM: LAT: 47° 40' 40" N
LONG: 122° 24' 30" W
VERTICAL DATUM: MLLW = 0.0

REFERENCE # **200600722**

IN: SEATTLE
NEAR: SHILSHOLE BAY
COUNTY OF: KING STATE: WA

ADJACENT PROPERTY OWNERS:
CITY OF SEATTLE, SUNSET WEST
CONDO APARTMENTS

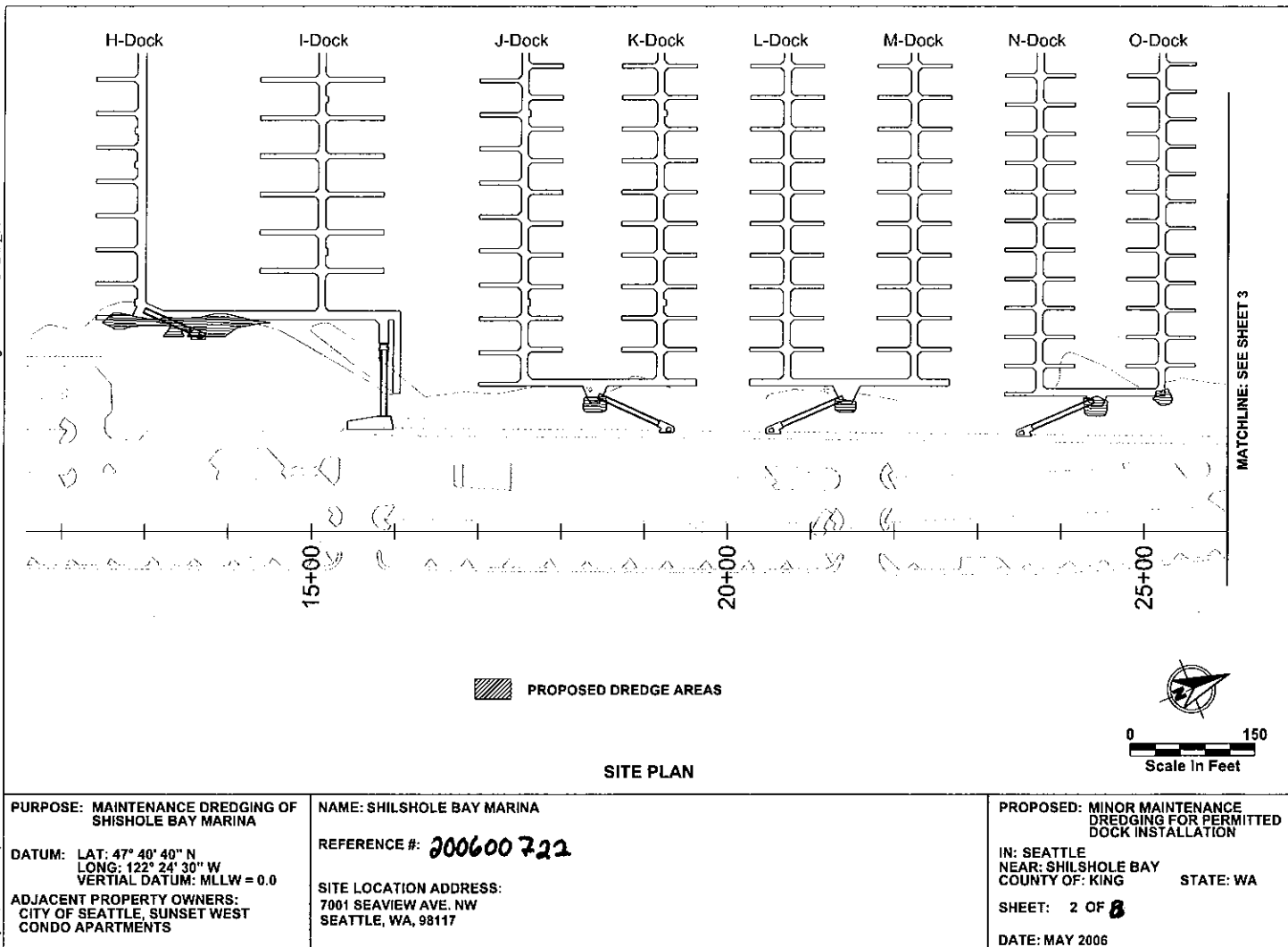
SITE LOCATION ADDRESS:
7001 SEAVIEW AVE. NW
SEATTLE, WA, 98117

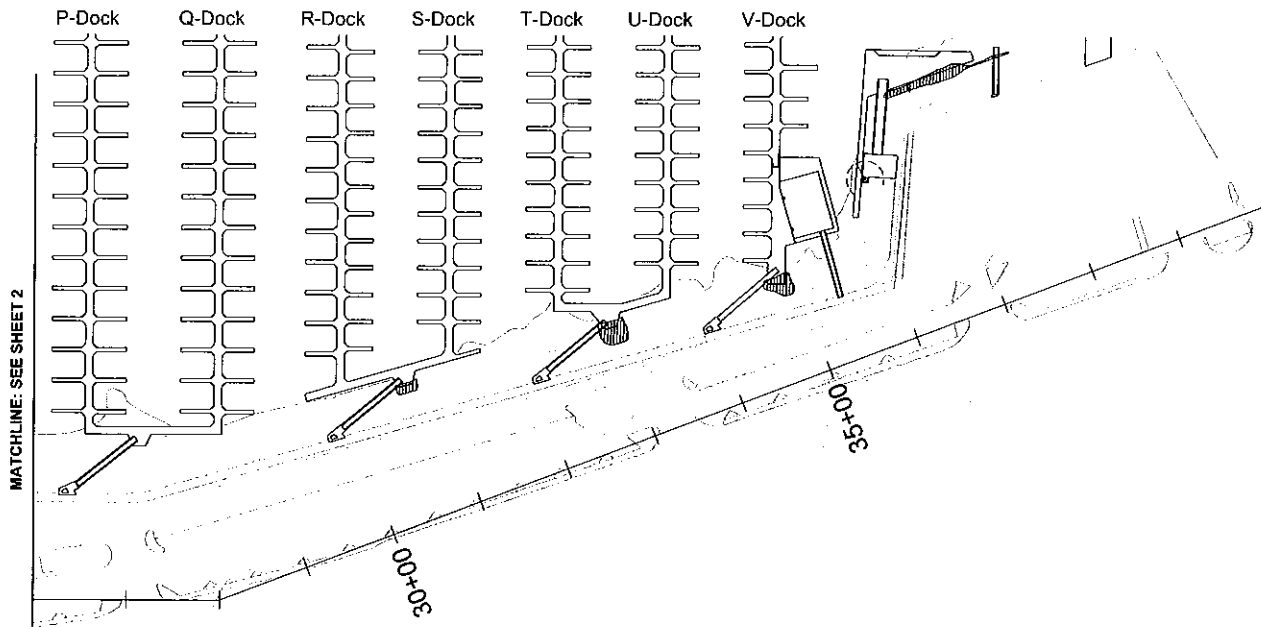
SHEET: 1 OF 8

DATE: MAY 2006

K:\loba\050003-PORT-OF-SEATTLE\050003\050003\05-1.dwg JARPA-SITEPLAN_01

May 22, 2006 3:40pm dholmer





SITE PLAN

PURPOSE: MAINTENANCE DREDGING OF SHISHOLE BAY MARINA

DATUM: LAT: 47° 40' 40" N
LONG: 122° 24' 30" W
VERTIAL DATUM: MLLW = 0.0

ADJACENT PROPERTY OWNERS:
CITY OF SEATTLE, SUNSET WEST
CONDO APARTMENTS

NAME: SHILSHOLE BAY MARINA

REFERENCE #: 200600722

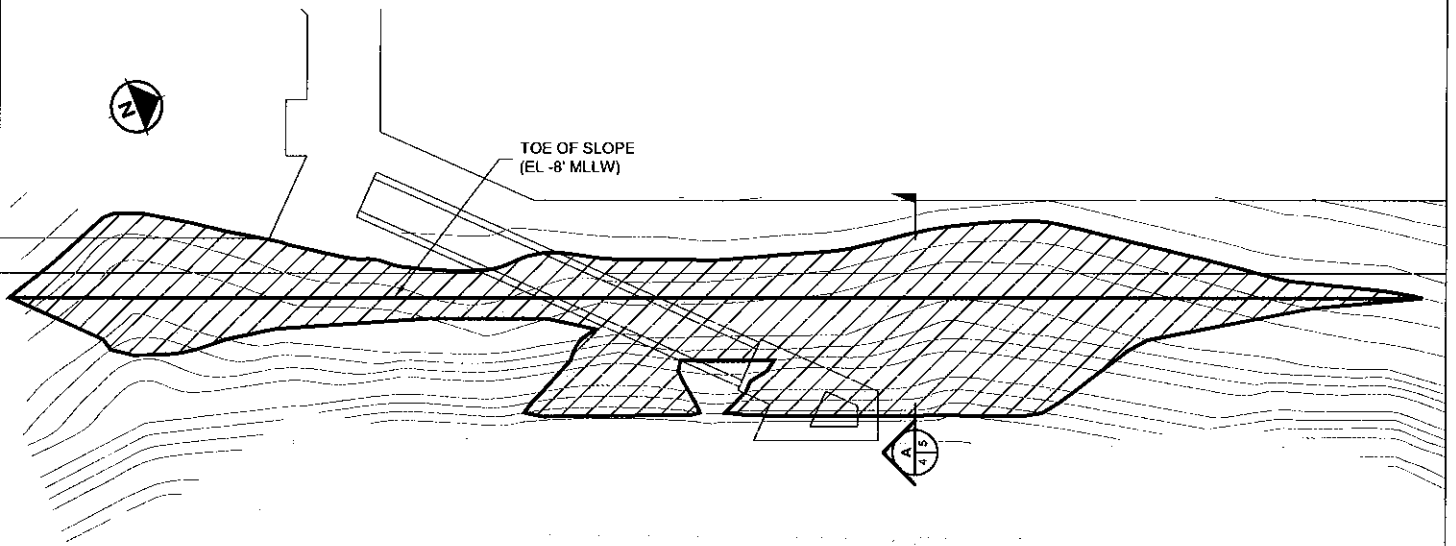
SITE LOCATION ADDRESS:
7001 SEAVIEW AVE. NW
SEATTLE, WA, 98117



PROPOSED: MINOR MAINTENANCE DREDGING FOR PERMITTED DOCK INSTALLATION

IN: SEATTLE
NEAR: SHILSHOLE BAY
COUNTY OF: KING STATE: WA

SHEET: 3 OF 8

DATE: MAY 2006



-  PROPOSED DREDGING AREA
-  SLOPE MATERIAL TO BE DREDGED

H-DOCK DREDGE PLAN

0 20
SCALE IN FEET

TYPICAL DREDGE PLAN

PURPOSE: MAINTENANCE DREDGING OF
SHISHOLE BAY MARINA

DATUM: LAT: 47° 40' 40" N
LONG: 122° 24' 30" W
VERTIAL DATUM: MLLW = 0.0

ADJACENT PROPERTY OWNERS:
CITY OF SEATTLE, SUNSET WEST
CONDO APARTMENTS

NAME: SHILSHOLE BAY MARINA

REFERENCE #: **200600722**

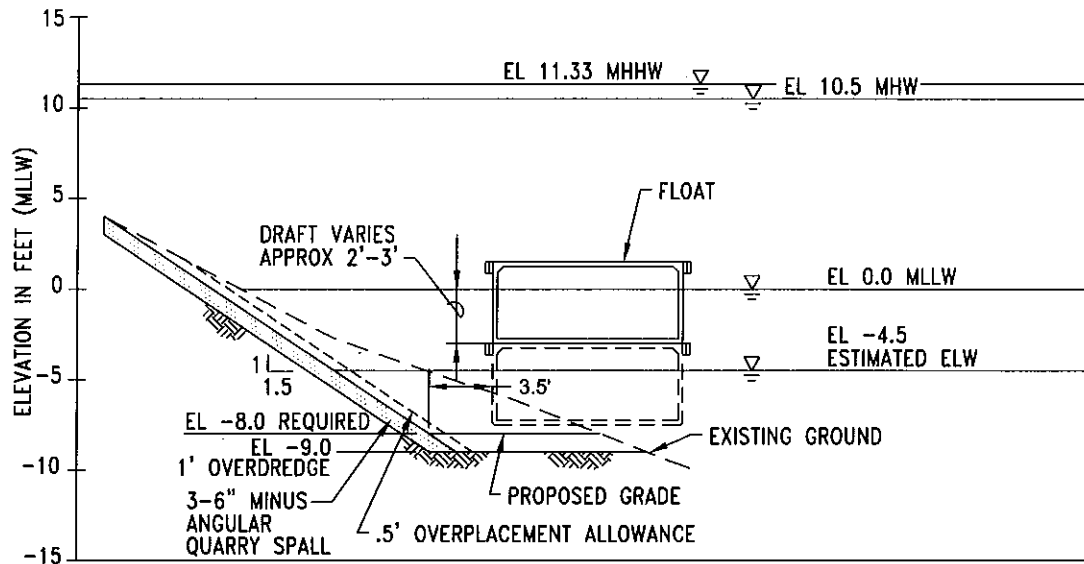
SITE LOCATION ADDRESS:
7001 SEAVIEW AVE. NW
SEATTLE, WA, 98117

PROPOSED: MINOR MAINTENANCE
DREDGING FOR PERMITTED
DOCK INSTALLATION

IN: SEATTLE
NEAR: SHILSHOLE BAY
COUNTY OF: KING STATE: WA

SHEET: 4 OF **8**

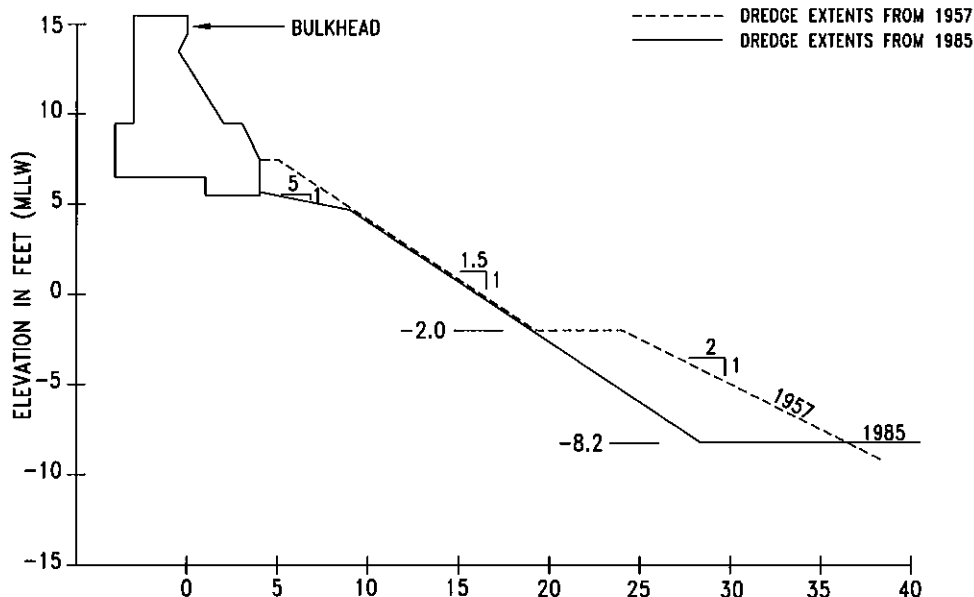
DATE: MAY 2006



PROPOSED DREDGE SECTION

A
4 5

0 10
SCALE IN FEET

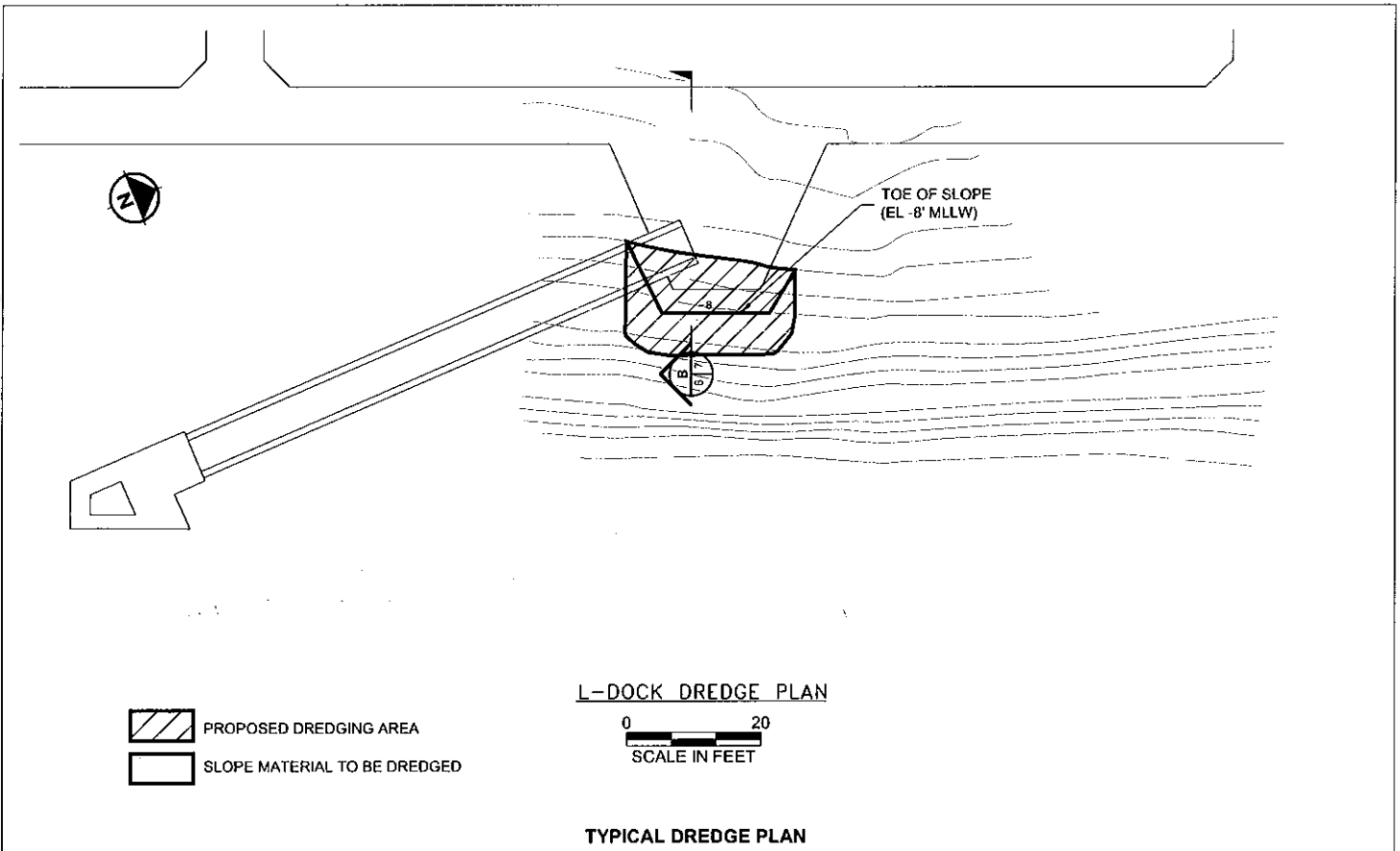


PREVIOUS DREDGE SECTION AT H-DOCK

0 10
SCALE IN FEET

TYPICAL DREDGE SECTIONS

<p>PURPOSE: MAINTENANCE DREDGING OF SHISHOLE BAY MARINA</p>	<p>NAME: SHILSHOLE BAY MARINA</p>	<p>PROPOSED: MINOR MAINTENANCE DREDGING FOR PERMITTED DOCK INSTALLATION</p>
<p>DATUM: LAT: 47° 40' 40" N LONG: 122° 24' 30" W VERTICAL DATUM: MLLW = 0.0</p>	<p>REFERENCE #: 200600722</p>	<p>IN: SEATTLE NEAR: SHILSHOLE BAY COUNTY OF: KING STATE: WA</p>
<p>ADJACENT PROPERTY OWNERS: CITY OF SEATTLE, SUNSET WEST CONDO APARTMENTS</p>	<p>SITE LOCATION ADDRESS: 7001 SEAVIEW AVE. NW SEATTLE, WA, 98117</p>	<p>SHEET: 5 OF 8 DATE: MAY 2006</p>



PURPOSE: MAINTENANCE DREDGING OF
SHISHOLE BAY MARINA

DATUM: LAT: 47° 40' 40" N
LONG: 122° 24' 30" W
VERTIAL DATUM: MLLW = 0.0

ADJACENT PROPERTY OWNERS:
CITY OF SEATTLE, SUNSET WEST
CONDO APARTMENTS

NAME: SHILSHOLE BAY MARINA

REFERENCE #: **200600722**

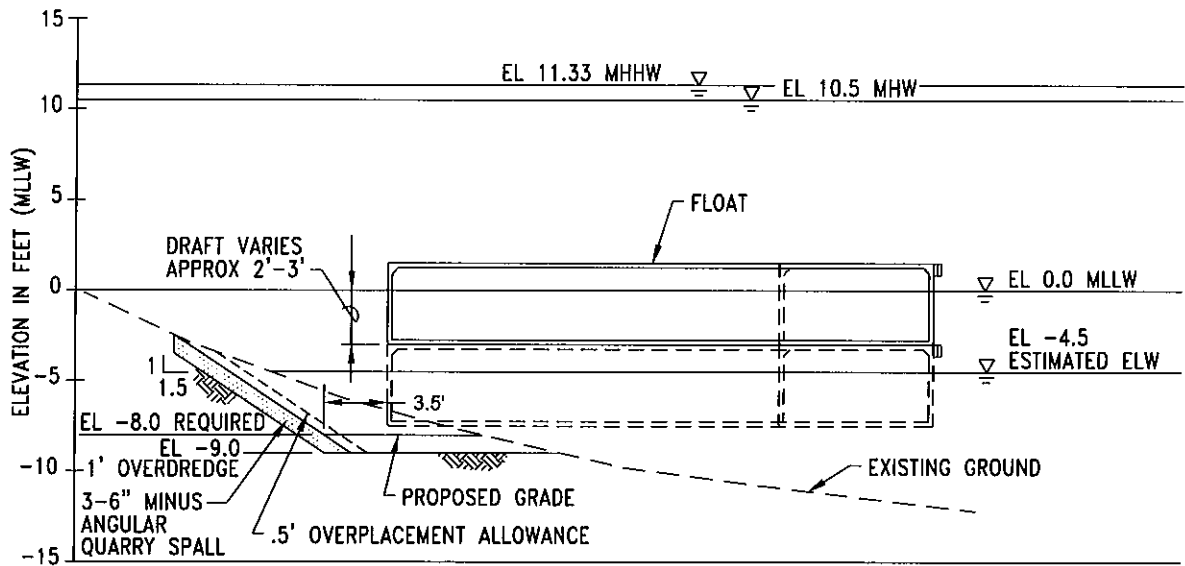
SITE LOCATION ADDRESS:
7001 SEAVIEW AVE. NW
SEATTLE, WA, 98117

PROPOSED: MINOR MAINTENANCE
DREDGING FOR PERMITTED
DOCK INSTALLATION

IN: SEATTLE
NEAR: SHILSHOLE BAY
COUNTY OF: KING STATE: WA

SHEET: 6 OF **8**

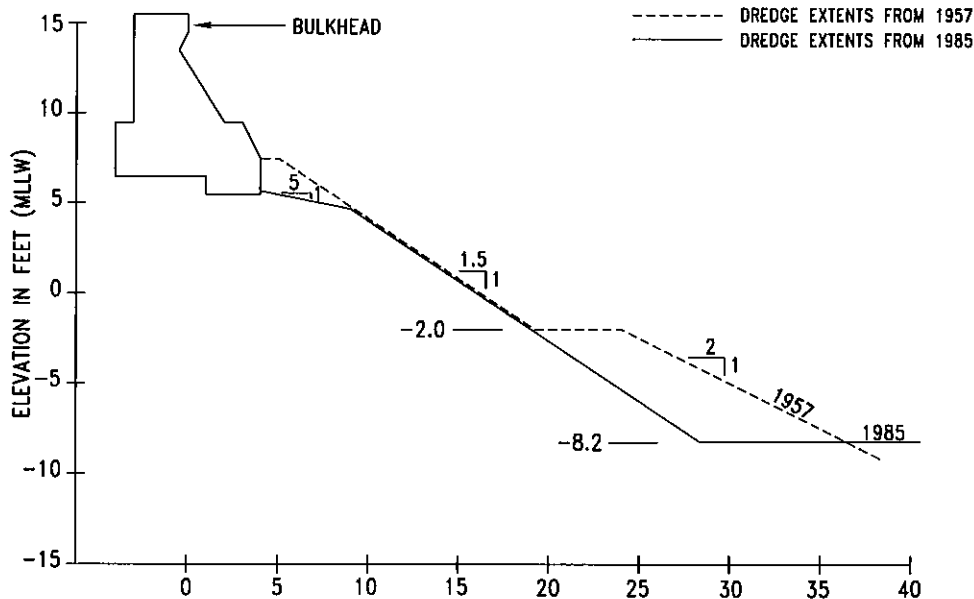
DATE: MAY 2006



PROPOSED DREDGE SECTION

B
6/7

0 10
SCALE IN FEET



PREVIOUS DREDGE SECTION AT L-DOCK

0 10
SCALE IN FEET

TYPICAL DREDGE SECTIONS

PURPOSE: MAINTENANCE DREDGING OF SHILSHOLE BAY MARINA

NAME: SHILSHOLE BAY MARINA

PROPOSED: MINOR MAINTENANCE DREDGING FOR PERMITTED DOCK INSTALLATION

DATUM: LAT: 47° 40' 40" N
LONG: 122° 24' 30" W
VERTICAL DATUM: MLLW = 0.0

REFERENCE #: 200600722

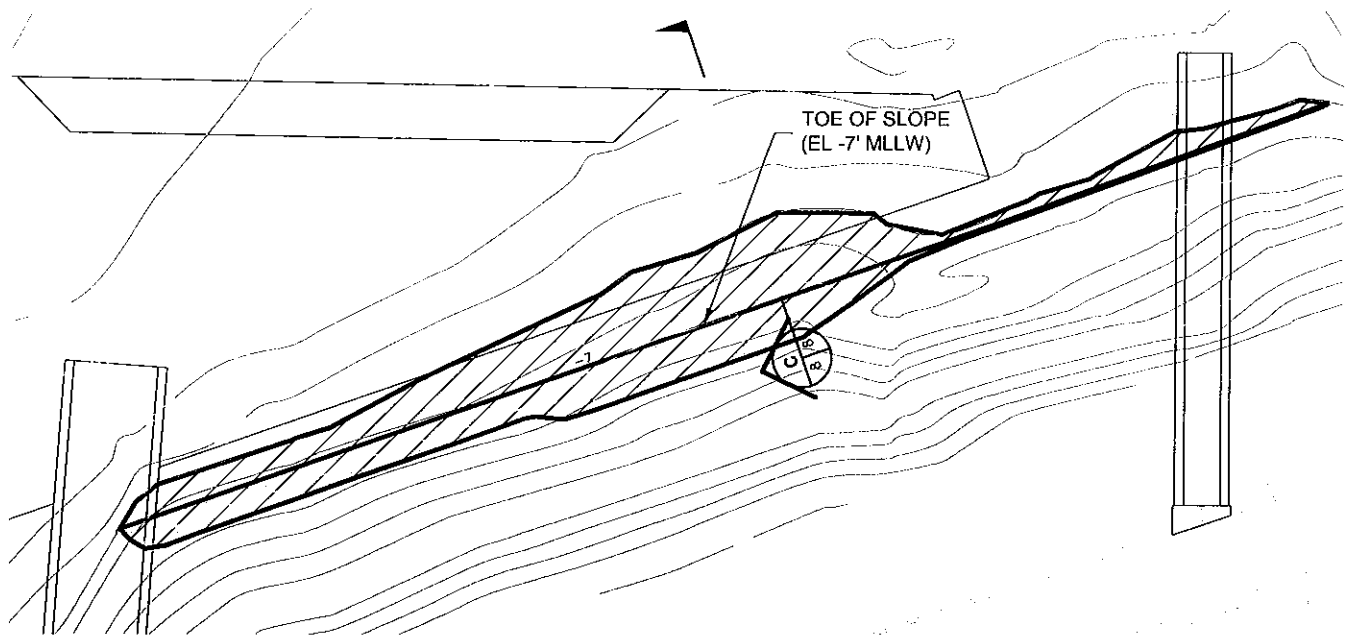
IN: SEATTLE
NEAR: SHILSHOLE BAY
COUNTY OF: KING STATE: WA



ADJACENT PROPERTY OWNERS:
CITY OF SEATTLE, SUNSET WEST
CONDO APARTMENTS

SITE LOCATION ADDRESS:
7001 SEAVIEW AVE. NW
SEATTLE, WA, 98117

SHEET: 7 OF 8

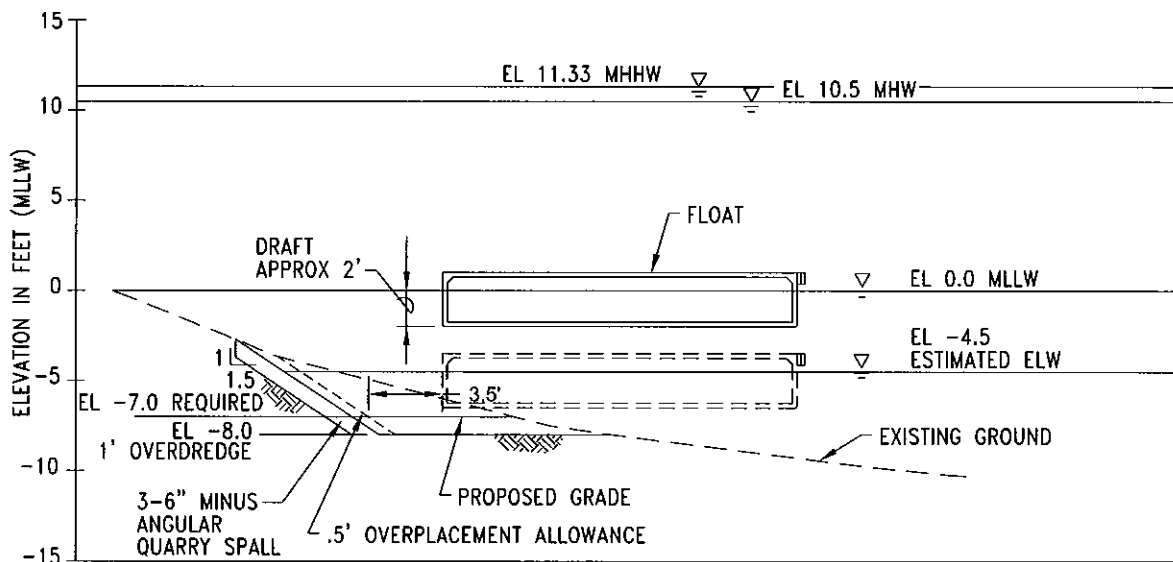
DATE: MAY 2006



-  PROPOSED DREDGING AREA
 SLOPE MATERIAL TO BE DREDGED

W-DOCK DREDGE PLAN

0 20
SCALE IN FEET



PROPOSED DREDGE SECTION

0 10
SCALE IN FEET

C
8/8

TYPICAL DREDGE PLAN AND SECTION

PURPOSE: MAINTENANCE DREDGING OF SHISHOLE BAY MARINA

NAME: SHILSHOLE BAY MARINA

PROPOSED: MINOR MAINTENANCE DREDGING FOR PERMITTED DOCK INSTALLATION

DATUM: LAT: 47° 40' 40" N
LONG: 122° 24' 30" W
VERTICAL DATUM: MLLW = 0.0

REFERENCE #: 200600722

IN: SEATTLE
NEAR: SHILSHOLE BAY
COUNTY OF: KING STATE: WA

ADJACENT PROPERTY OWNERS:
CITY OF SEATTLE, SUNSET WEST
CONDO APARTMENTS

SITE LOCATION ADDRESS:
7001 SEAVIEW AVE. NW
SEATTLE, WA, 98117

SHEET: 8 OF 8

DATE: MAY 2006

**CERTIFICATION OF CONSISTENCY WITH
THE WASHINGTON STATE COASTAL ZONE MANAGEMENT PROGRAM
FOR FEDERALLY LICENSED OR PERMITTED ACTIVITIES**

RECEIVED

Federal Project Number: 200600722

JUL 27 2006

Applicant: Port of Seattle

REGULATORY

Project Description: Minor Maintenance dredging of eight areas at Shilshole Bay Marina to prevent damage to docks from grounding during low tides. The total volume of material to be dredged is approximately 645 cubic yards. The dredging needed at each dock varies from 17 to 229 cubic yards. Depending on results of z-layer sampling after dredging is complete, as a contingency, an additional 285 cubic yards may be dredged. Up to 285 cubic yards of clean sand backfill could be placed. The Port also proposes to place up to 221 cubic yards of quarry spall along the toe of the slope to prevent future sloughing and to stabilize the slope.

(attach site plans, location {county/city}, and proximity to waterbody {name})

This action under CZMA §307(c)(3) is for a project that will take place within Washington's coastal zone or which will affect a land use, water use, or natural resource of the coastal zone. *(The coastal zone includes all parts of Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum and Whatcom counties.)*

The project complies with the following enforceable policies of the Coastal Zone Management Program:

1. Shoreline Management Act (SMA):

Is outside of SMA jurisdiction	()
Applied for shoreline permit	()# _____ being reviewed by _____
Has a valid shoreline permit	()# _____ issued by _____ on _____
Has received an SMA Exemption	(X)# _____ issued by _____ on _____

[The Port has applied for a shoreline exemption from the City of Seattle.]

2. State Water Quality Requirements:

Does not require water quality permits	()
Applied for water quality certification	(x)
Has received water quality certification	()# _____ issued on _____
Applied for stormwater permit	()# <u>NA</u> issued on _____
Has received stormwater permit	()# _____ issued on _____

3. State Air Quality Requirements:

Does not require air quality permits	(x)
Applied for Air Quality permit	()# _____ being reviewed by _____
Has an Air Quality permit	()# _____ issued by _____ on _____

4. State Environmental Policy Act:

Project is exempt from SEPA	SEPA Lead Agency is: <u>Port of Seattle</u>
SEPA checklist submitted	()
SEPA decision issued/adopted	(x) date <u>June 19, 2006</u>
	(x)DNS ()MDNS () EIS () Other <u>_____</u> date <u>July 18, 2006</u>
	(POS SEPA No. 06-07)
NEPA decision adopted by lead agency to satisfy SEPA	()SEPA # _____ Date _____

Public Notice for this proposed project was provided through:

- (x) notices mailed to interested parties using Port of Seattle SEPA mailing list on June 23, 2006 (date).
- (x) publication in Seattle Times (newspaper) on June 23 and June 30, 2006(dates).

Therefore, I certify that this project complies with the enforceable policies of Washington's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program.

Signature: Ann E. Kenny Date: July 21, 2006



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Notice of Application for
Water Quality Certification
and for
Certification of Consistency with the
Washington Coastal Zone Management Program

Date: AUG 25 2006

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200600722 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the above referenced project will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on the project pertaining to the project on either or both (1) compliance with water pollution control laws or (2) the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator
Department of Ecology
SEA Program
Post Office Box 47600
Olympia, Washington 98504-7600